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 Attorneys for Plaintiff,  
**ADEL F. SAMAAAN, M.D.**

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

**ADEL F. SAMAAAN, M.D.,** an individual  
  
 Plaintiff

**vs.**

**CONNECTICUT GENERAL LIFE**  
**INSURANCE COMPANY,** a health  
 benefits corporation; **CIGNA HEALTH**  
**AND LIFE INSURANCE COMPANY,** a  
 health benefits corporation; and **Does 1**  
**through 100;**

Defendants

**Case No. 2:17-cv-01723 DSF (AGRx)**  
*Honorable Dale S. Fischer and*  
*Honorable Alicia G. Rosenberg,*  
*Magistrate Judge*

**OBJECTIONS OF PLAINTIFF DR.**  
**ADEL F. SAMAAAN TO**  
**DECLARATIONS OF WENDY**  
**GOMPPER AND EMILY RUSSELL**  
**SUBMITTED BY CIGNA**  
**DEFENDANTS IN SUPPORT OF**  
**MOTION**

[Filed Concurrently with Memorandum  
 of Points and Authorities in Support of  
 Opposition to Cigna Defendants'  
 Motion For Summary Judgment or  
 Partial Summary Judgment;  
 Separate Statement of Controverted  
 And Uncontroverted Facts and  
 Conclusions of Law; Declarations of  
 Plaintiff, Dr. Adel F. Samaan and  
 Richard D. Williams in Support of  
 Opposition to Cigna Defendants'  
 Motion; Dr. Adel F. Samaan's  
 Compendium of Evidence Submitted in  
 Support of Opposition to Cigna  
 Defendants' Motion]

**Hearing Date:** November 26, 2018  
**Time:** 1:30 p.m.  
**Place:** 7D

Complaint Filed: March 3, 2017

**I. OBJECTIONS OF PLAINTIFF, DR. ADEL F. SAMAAAN TO DECLARATIONS OF WENDY GOMPPER AND EMILY RUSSELL**

A. Objections to Wendy Gompper declaration par. 4-19, page 2 ln. 25 to p. 5 ln. 21:

(1) This declaration language constitutes an after-the-fact assertion by the witness of claim handling determination evidence which was not transmitted to Dr. Samaan during the course of the administrative claim review process. Such evidence is barred by *Spinedex Physical Therapy USA Inc. v. United Healthcare of Arizona, Inc.*, 770 F.3d 1282 (9<sup>th</sup> Cir. 2014) and *Harlick v. Blue Shield of California*, 686 F. 3d 699, 719-720 (9<sup>th</sup> Cir. 2012)

Objection: (2) No personal knowledge; the witness is merely interpreting Cigna file documents and is not identified as a percipient witness involved in the claim review process.

B. Objections to Emily Russell declaration par 35-91, page 8 ln. 4 to p. 19 ln. 6:

(1) This declaration language constitutes an after-the-fact assertion by the witness of claim handling determination evidence which was not transmitted to Dr. Samaan during the course of the administrative claim review process. Such evidence is barred by *Spinedex Physical Therapy USA Inc. v. United Healthcare of Arizona, Inc.*, 770 F.3d 1282 (9<sup>th</sup> Cir. 2014) and *Harlick v. Blue Shield of California*, 686 F. 3d 699, 719-720 (9<sup>th</sup> Cir. 2012)

Objection: (2) No personal knowledge; the witness is merely interpreting Cigna file documents and is not identified as a percipient witness involved in the claim review process.

**Dated:** November 5, 2018

Respectfully submitted,

**LYTTON & WILLIAMS LLP**

By: /s/ Richard D. Williams  
Richard D. Williams,  
Attorneys for Plaintiff, Adel F. Samaan, M.D.